

SUBCHAPTER 12D – CUSTODY AND SECURITY

SECTION .0100 – SEARCH AND SEIZURE

14B NCAC 12D .0101 SEARCHES OF VISITORS AND OTHER PERSONS

- (a) Before and after every visiting period within the confines of a facility, a search of the room or area where the visits are held will be made to assure that no contraband has been concealed in or under any structure, equipment or furniture.
- (b) All visitors and all other persons who seek entry to any facility for any purpose may be subjected to a routine search of their person or their effects upon entering or leaving a facility or any time they are within the confines of a facility. Such searches are authorized at the discretion of the Officer-In-Charge. Appropriate documentation shall be made to the Superintendent.
- (c) A routine search may also include the search of personal effects. Personal effects such as handbags, boxes, briefcases, or other items under the immediate control or access of the visitor, should remain outside the confines of the facility. When in the judgment of the Officer-In-Charge that it is necessary for any of these personal effects to be carried within the Institution, such personal effects will be subject to a thorough search. Visitors who refuse to agree to a search of personal effects will not be authorized to visit.
- (d) Routine searches of visitors and other persons seeking entry to a facility must be conducted by an officer of the same sex as the visitor or other person seeking entry to a facility. Wherever possible, more than one staff person should be present for such searches. If an officer of the same sex as the visitor is not available to conduct the routine search, visitors suspected of carrying contraband on their person must be denied entry into the facility. When visitors are suspected of carrying contraband, the Officer-In-Charge is authorized to request the assistance of local law enforcement provided that such assistance results in a search of the visitor by an officer of the same sex.
- (e) If contraband is found on the person or in the personal effects of the visitor, the contraband should be confiscated and local law enforcement authorities notified immediately. Reasonable efforts short of the Use of Force should be utilized to encourage the visitor to remain until local law enforcement authorities arrive. If the visitor refuses to remain, as much descriptive and informational data as can be accumulated by correctional staff regarding the identity of the visitor and direction of departure and method of departure, should be communicated to the local law enforcement officers.
- (f) A visitor seeking entry to the facility can avoid a routine search by leaving the facility. If the visitor refuses to submit to a routine search, the visitor shall be denied access to the facility. The visitor should also be considered for exclusion from an inmate's approved visitor's list in accordance with 05 NCAC 02D .0201(d)(1).
- (g) If prior to visitation, prison officials receive reliable information that a visitor will attempt to smuggle contraband into the facility, the Officer-In-Charge should contact the local law enforcement agency for assistance.
- (h) Complete searches of visitors is solely the authority of local law enforcement authorities with the consent of the visitor or by local law enforcement authorities having the legal basis to conduct the search. While such searches may be conducted on agency property, Division staff should not provide assistance. Any assistance provided should be in response to a request from local law enforcement authorities and predicated upon the maintenance of order and security at the facility.

*History Note: Authority G.S. 14-258.1; 15A-404; 148-4; 148-11;
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